

# **The Elections Bill**

## **Equality Impact Assessment**

### **1. Introduction**

#### **Overview of the Elections Bill**

1. The 2019 Manifesto set out the Government's commitment to protecting our democracy and ensuring that it remains secure, modern, transparent and fair. The Elections Bill will place British citizens' participation at the heart of our democracy, trusting their choices and maintaining their confidence in our elections. The Bill is guided by important principles that underpin our democracy:
  - a. that those who are entitled to vote should always be able to exercise that right freely, securely and in an informed way,
  - b. that fraud, intimidation and interference have no place in our democracy, and
  - c. that we are the stewards of a fantastic democratic heritage which we seek to keep up to date for our age.
  
2. That's why we are:
  - a. updating the security and integrity of the ballot
  - b. empowering British citizens to have their say
  - c. protecting the democratic debate
  - d. increasing transparency and accountability
  - e. defending against foreign interference
  - f. Updating franchise and candidacy policy to reflect our new relationship with the European Union

### **2. Summary of Bill measures**

#### **Bill Measures**

##### *Voter Identification*

3. The UK has a world class electoral system, with over 90% of people who voted satisfied with the process of voting in the 2019 General Election.<sup>1</sup> But we must not be complacent. As we engage more people in democracy, we must continue to command their confidence by strengthening the integrity of the operation of our elections.
  
4. Asking for identification is a common practice (such as to take out a library book or to pick up a parcel from the post office) and Voter Identification has been in place in Northern Ireland since 1985, with photographic identification in place since 2003. This Bill introduces similar measures in Great Britain whereby electors will be required to show an approved form of photographic identification before casting their vote in a polling station across Great Britain in General Elections, at local elections in England

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<sup>1</sup> Electoral Commission, [2019 UK Parliamentary General Election report](#)

or at Police and Crime Commissioner elections in England and Wales.<sup>2</sup> Any voter who does not have an approved form of identification will be able to apply for a free, local Voter Card from their local authority.

### *Overseas electors*

5. Most British citizens overseas retain deep ties to the United Kingdom. The current 15 year limit on expats' voting rights is arbitrary and anachronistic in an increasingly global and connected world. This Bill will enable greater participation in our democracy by delivering 'votes for life' and making it easier for expats to vote. The Bill will therefore provide that:
  - a. Any overseas British citizen who was last registered to vote in the UK over 15 years ago may register as an overseas elector.
  - b. Any overseas British citizen who was previously resident in the UK but not registered to vote as a domestic elector may register as an overseas elector.<sup>3</sup>
6. To increase the numbers of overseas electors that remain registered between elections, and to support the manifesto commitment to make it easier for expats to vote<sup>4</sup>, changes will also be made to the overseas elector declaration renewal process to:
  - a. Extend the registration period for overseas electors from 12 months to a maximum of three years (with certain provisos).
  - b. Establish a 'renewal declaration' that overseas electors can complete to remain registered for a further three years after they have registered for the first time.
  - c. Allow for a fixed-point renewal cycle so that all overseas electors' declarations will expire on the third 1st of November after they are granted.
  - d. Streamline processes so that renewal declarations are combined with requirements for overseas electors to re-apply for an absent vote or refresh their signature.
7. Changes to who is entitled to register and vote will be made via primary legislation, while much of the detail of the changes, such as changes to the application process, the overseas declaration, identity verification, address verification and registration renewal will be in secondary legislation, and in the subsequent service design.

### *Postal and proxy voting*

8. Voting by post or proxy is an essential tool for supporting voters to exercise their democratic rights as is most convenient for them. However, we need to be vigilant in ensuring that they are not exploited by those who would seek to deprive others of their democratic rights. The Bill will:

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<sup>2</sup> Voter ID has applied to elections in Northern Ireland since 1985, with photographic ID required since 2003.

<sup>3</sup> This could include, for example, people who were of voting age and eligible to apply to register when they lived in the UK but did not do so, or people who were not of voting age before they left the UK and could, therefore, not apply.

<sup>4</sup> Helping to meet the 2019 Conservative manifesto which included a commitment to 'make it easier for British expats to vote in Parliamentary elections.'

- a. Require electors to reapply for a postal vote every three years (currently voters can hold a postal ballot indefinitely) so that Electoral Registration Officers can review the eligibility and veracity of applications more regularly.
- b. Ban political campaigners from handling postal ballot papers belonging to others.
- c. Limit the number of electors for whom anyone may hand in postal votes.
- d. Limit the number of electors for whom anyone can act as a proxy to a maximum of four (of which no more than two can be for 'domestic' electors, i.e. an elector who is neither an overseas elector nor an elector registered by way of a service declaration).
- e. Extend the secrecy protections currently in place for those voting in person to postal voters and those voting by proxy.

### *Accessibility*

9. While bearing down on the potential for fraud, the Bill will also ensure voters with disabilities are appropriately supported to exercise their right to vote by:
  - a. Removing the requirement to provide a single device to support blind and partially sighted people and replacing it with a broader requirement for Returning Officers to support voters with a wider range of disabilities.
  - b. Removing the requirement that people acting as a 'companion' of a disabled voter must be either an eligible voter themselves or a close family member and instead permitting anyone of the age of 18 year or over to act as a companion.

### *Campaigning measures*

10. A thriving democracy is one which offers choice and encourages robust debate, but respects differences and protects citizens' right to make their democratic choice.
11. To ensure these elements all continue to flourish in the UK, the Elections Bill will include four measures to strengthen the transparency and integrity of the electoral campaigning framework, providing voters and campaigners with greater confidence in it. These are: the introduction of digital imprints; clarification of the rules on notional expenditure; a set of measures to strengthen the campaign finance framework, ensuring a level playing field for campaigners and transparency for voters; and new, more robust arrangements for the accountability and governance of the Electoral Commission, the independent regulator of the electoral system.
12. Additionally, to address increasing intimidation in public life and provide additional protection to those who participate in our elections and contribute to our political debate, the Bill will introduce a new electoral sanction banning for five years those who are convicted of intimidating a candidate, future candidate, campaigner or elected officeholder from standing for, being elected to and holding elective office.
13. The Bill will also clarify the existing offence of undue influence. Undue influence occurs when pressure is applied to an elector with the intention of stopping that person from voting or preventing them from casting their vote freely. Current undue influence

legislation is complex and confusing, which has made it harder to bring successful prosecutions for this offence.

Therefore, we will clarify and update the offence so that:

- Undue influence encompasses a wide range of harms, such as physical violence, damage to a person's property or reputation, exerting undue spiritual pressure or inflicting financial loss.
- Deceiving an elector about the conduct or administration of an election or referendum can also amount to undue influence.
- Intimidation of electors is explicitly listed as a form of undue influence. This seeks to provide police with the operational flexibility required to deal with intimidatory behaviour as it happens.

### *Voting and Candidacy Rights of EU Citizens*

14. Now that the UK has left the EU, and with the ending of free movement and introduction of the new points-based immigration system in last year's Immigration Act, there should not be a continued, automatic right to vote and stand in local elections solely by virtue of being an EU citizen.
15. The Government proposes to maintain the voting and candidacy rights of EU citizens living in the UK prior to the end of the Implementation Period. This reflects the Government's commitment to respecting the rights of EU citizens who made their home in the UK before the end of the Implementation Period. It also mirrors the stance taken on the EU Settlement Scheme, which protects the rights of EU citizens who were resident here by the end of the Implementation Period and provides them with the UK immigration status they need to continue to live, work and access benefits and services here.
16. EU citizens, who have arrived since 1 January 2021, will move to a position whereby future local voting and candidacy rights are granted where there is an agreement with individual European Union Member States to preserve these on a bilateral basis.<sup>5</sup>
17. Local voting and candidacy rights for EU citizens who arrived in the UK after 31 December 2020 will therefore rest on the principle of a mutual grant of rights, through agreements with EU Member States. We have already secured such agreements with Spain, Portugal, Luxembourg and Poland. The UK will continue to invite EU Member States who are interested in entering into such agreements the opportunity to negotiate

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<sup>5</sup> Subject to the exceptions set out in paragraph 21. Note that Cypriots and Maltese citizens who are part of the 'legacy' group will retain the right to vote and stand as candidates in local elections in line with their status as citizens of EU member states and not Commonwealth states. Cypriot and Maltese citizens in the 'legacy' group will also continue to have the right to both vote and stand in UK Parliamentary elections as well, due to their status as Commonwealth citizens. Citizens of these countries who do not form part of the legacy group will continue to have the right to both vote and stand for election in UK Parliamentary and local elections in line with their status as (qualifying) Commonwealth citizens. The UK will remain open to voting and candidacy rights agreements with Cyprus and Malta, alongside other European Union member states.

bilateral treaties. These measures therefore ensure that British citizens living overseas in the EU benefit from the Government's approach.

18. Changes to who is entitled to register and vote will be made via primary legislation, while changes to the application process, the eligibility criteria and declaration and immigration status verification will be in secondary legislation along with the subsequent service design. The Bill will also provide a mechanism to allow voting and candidacy rights to be granted to UK resident citizens of individual EU Member States in future, by way of secondary legislation (whereby a country can be added to the 'list' of countries with which we have bilateral agreements).
19. The measures will apply to elections that use the local franchise and for which election policy is not devolved: local elections in England and Northern Ireland and Police and Crime Commissioner (PCC) elections in England and Wales. These measures also cover the following polls in which EU citizens have been eligible to vote as part of the local franchise: local authority governance referendums, local council tax referendums, neighbourhood planning referendums and parish polls.
20. For the avoidance of doubt, EU citizens have never been able to vote in UK Parliamentary elections and as such, these measures will not impact on eligibility for those elections.
21. Citizens of the Republic of Ireland will not be affected by these changes, as the voting rights of Irish citizens in the UK long predate EU membership. The rights of qualifying Commonwealth citizens will also not be changed by these measures. As such, citizens of Malta and Cyprus – which are both EU Member States and Commonwealth countries – will continue to hold voting and candidacy rights in local and national elections.

### **3. Consideration of equality impact**

#### **The Public Sector Equality Duty**

22. The Public Sector Equality Duty is set out in section 149(1) of the Equality Act 2010. It states that a public authority must, in the exercise of its functions, have due regard to the need to:
  - a. Eliminate discrimination (both direct and indirect), harassment, victimisation and any other conduct that is prohibited by the Act;
  - b. Advance equality of opportunity between people sharing a relevant protected characteristic and people who do not. This includes removing or minimising disadvantages suffered by people due to their protected characteristic, taking steps to meet the needs of people who share a particular protected characteristic, and encouraging participation in public life. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation;

- c. Foster good relations between people sharing a relevant protected characteristic and persons who do not. This includes tackling prejudice and promoting understanding.

## Approach

23. This section sets out the overarching assessment of the Bill. As part of the assessment, we have considered whether the provisions could constitute conduct prohibited by the Equality Act. None of the measures in the Bill would constitute direct discrimination as they will apply to all people, irrespective of prospective characteristics. The only significant exception, where application will be specific to one group, are the measures to enhance accessibility, which will apply to people with disabilities. This part of the Bill is designed to establish and enable reasonable adjustments in the voting process so that the way in which disabled people vote is, as far as possible, as straightforward as it is for people without disabilities.
24. In addition, we have considered whether the provisions could constitute indirect discrimination. In some cases, the Bill's measures could have adverse impacts on certain protected groups. Where this has been identified, mitigations, which are described below, will be put in place. With these mitigations in place, we consider the impacts identified are justified and proportionate within the context of achieving the legitimate aim of preventing fraud and securing the integrity of our electoral process.
25. Some measures in the Bill are tightly defined regulatory changes only with no voter/electoral service elements; for these measures we have assessed there to be no direct or indirect impact on the electorate and they have therefore not been included for the purposes of this summary. In some cases, our assessment as it currently stands found no evidence to suggest that a given measure will have a negative or positive impact on people with a specific protected characteristic. Where this is the case, only potential impacts have been referenced for that measure. That said, if circumstances change throughout the legislative and implementation phases for each part of the Bill, the Government will seek to capitalise on positive impacts and mitigate negative impacts as part of the ongoing requirement to fulfil its public sector equality duty under the Equality Act.
26. Almost all the mitigations proposed are likely to advance equality of opportunity through removing or reducing potential disadvantages faced by people with protected characteristics. These adjustments seek to level the playing field where otherwise, certain groups of people may be at a disadvantage.<sup>6</sup> We will continue to work with civil society groups throughout the delivery of the policies to ensure that, if any adverse impacts come to light in the detailed rollout of the new system, those impacts are identified and mitigated as far as possible. This finding is not repeated in the analysis of each policy area; only benefits over and above this general one are discussed.

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<sup>6</sup> For example, providing a pen grip in a polling station allows people with manual dexterity issues to vote without support, which gives them the same opportunities as people without such issues enjoy. Providing a free of charge photo ID removes enables people without photographic ID to access it without any economic burden.

## Assessment of impact

### *Voter Identification*

27. The voter identification provisions which will be set out in primary legislation have been considered and available evidence reviewed. The measures will apply equally to all electors and will provide equal safeguards against their vote being removed from them by fraudulent means. The experience in Northern Ireland, where the requirement to show non-photographic identification at the polls has been in place since 1985, and photographic identification since 2003, illustrates that once the requirement has become established and part and parcel of the voting process, the vast majority of electors complete the voting process after turning up at the polling station.
28. The Bill will provide for acceptance of a wide variety of identification, including concessionary travel passes which are more likely to be held by certain groups with protected characteristics, such as older age groups or people with disabilities.<sup>7</sup> For any eligible voter who does not have one of the required forms of photographic identification, a free, local Voter Card will be available from their local authority. In addition, expired photographic identification will be accepted as long as the photograph is of a good enough likeness to allow polling station staff to confirm the identity of the holder. The policy by design applies to all electors equally so there will not be direct impacts on specific groups with protected characteristics. Voters will continue to have access to three methods of voting - in person at a polling station, by proxy vote, and by postal vote.
29. Cabinet Office commissioned a nationally representative survey of eligible voters in Great Britain in 2021, providing evidence on the possession of the full range of photographic identification planned to be accepted for the policy.<sup>8</sup> Overall, 98% of those surveyed had at least one form of photographic identification and 94% said they felt/believed it would make it easier or have no impact on their ability to vote. Whilst the percentage of the electorate who do not currently own identification is small (2%), we will introduce a free, local Voter Card to support those voters who could be indirectly or adversely impacted by changes to an established procedure and the new checks of photographic identification in polling stations. It is anticipated that the Voter Card we will be of particular benefit to those voters from groups with protected characteristics including, age<sup>9</sup>, race and disability.<sup>10</sup>

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<sup>7</sup> For example, the Cabinet Office survey found that 47% of those aged 70+ owned a concessionary travel pass funded by HM Government, compared to 13% overall. Similarly, the Blue Badge Scheme is for people with disabilities, with 25% of people with disabilities owning a Blue Badge Parking permit in the survey.

<sup>8</sup> [Cabinet Office Photographic ID Ownership Survey, 2021](#). This includes in date and expired forms of the following ID types: passport, driving licence, travel passes and other forms of photographic ID such as a biometric immigration document issued in the UK.

<sup>9</sup> The survey found that, by age group, those from the youngest age group (18-29: 1%) were less likely than people overall to own no photo IDs, whilst those aged 50-69 (3%) were one percentage point more likely to own no photographic ID.

<sup>10</sup> In the survey, there was no statistically distinguishable difference in photographic ID ownership by sex, religion or sexuality. Please note that for some subgroups in these categories, the base number of respondents was too low for reliable statistical comparisons to be made.

30. For age, the Voter Card will particularly benefit the 50-69 age group who were slightly less likely to hold photographic identification (3% did not hold the accepted forms of identification, compared to 2% overall).
31. For race, the Voter Card will particularly benefit groups less likely to hold photographic identification, which includes people who identify as White. Evidence from the survey suggests that there are some small differences in photographic ownership between ethnic groups. Individuals eligible to vote from minority ethnic groups (excluding white minorities) were slightly more likely to hold photo identification (1% did not hold the accepted forms of photo identification) compared to people who identify as White (where 2% did not hold photo ID). The percentage of those without photo identification in each of mixed/ multiple ethnic groups, Asian/ Asian British group, Black/ African/ Caribbean/ Black British group, and other ethnic background group was below 2%. For these groups, the number of individuals with no photo identification was so low that it is not possible to make statistical comparisons.
32. The survey did not reach a sufficiently large sample size of those who identify as White Gypsy or Irish Traveller to make reliable statistical estimates. Available research elsewhere suggests this group are less likely to hold some types of photo ID, though this is based on national populations and not those who are eligible voters as was the case in the survey. People who identify as White Gypsy or Irish Traveller are, according to the 2011 Census,<sup>11</sup> least likely to have a UK or non-UK passport, with 66% holding a passport compared to an average of 86% across all ethnicities. The policy will make provisions to accept other forms of photo ID beyond passports, however we will continue to work closely with representative organisations in order to further understand how best to support these communities. Here, communications and engagement with the free, local Voter Card will be important.
33. Evidence from the survey suggests that people with disabilities are less likely to hold the accepted forms of photographic identification, and therefore this will be a key focus for the Voter Card and communications campaign. Individuals with a severely limiting disability were less likely to hold photo identification than people overall (with 5% not holding accepted forms of photo identification). In Northern Ireland in 2003, when photographic identification requirements were introduced, people with disabilities (12%) were 6 percentage points more likely than those with no disabilities (6%) to not hold any of the accepted forms of identification for voting, including the free Electoral Identity Card.<sup>12</sup> According to 2021 research by the Electoral Commission which surveyed Northern Ireland suggests that this is now at 2% of voters with a disability who didn't have the specified identification<sup>13</sup>. In the recent Cabinet Office research, individuals with severely (12%) or somewhat (8%) limiting disabilities were more likely

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<sup>11</sup> 2011 Census, [ONS](#)

<sup>12</sup> Electoral Commission, [The Electoral Fraud \(Northern Ireland\) Act 2002: An assessment of its first year in operation](#) (Research report), 2003, Figure 17

<sup>13</sup> "the list of ID documents specified was different to those considered in 2003, and the sampling methodology means these figures should be considered indicative



than those with no disabilities (4%) to report that they felt the identification requirement would make it difficult or very difficult to vote.

34. Currently, information on registering to vote is available in a number of formats to support those with disabilities to register to vote. Additionally, people with disabilities can be assisted by family or carers to register to vote if needed and the same range of support will be available to all disabled voters who need to apply for a Voter Card. At the polling station disabled voters can be assisted by a companion to cast their vote and the Bill will broaden the range of people allowed to act in the companion role.
35. We will continue to work with civil society organisations to understand any specific potential issues faced in providing relevant identification. Where a new local Voter Card is required we will work with local authorities to ensure any new process meets the needs of all voters.
36. Communications which build on these findings will be key to successful implementation of the policy. The Election Commission will deliver a comprehensive and targeted communications campaign to raise awareness for the changes to the requirements at the polling station. This will take account of concerns around the potential for older people or those with a disability to find it more difficult to adapt to the changes due to cognitive and/or physical limitations. Research suggested the older population (50-69 and 70+) are a group more likely to report that they felt the introduction of identification will make it quite difficult or very difficult to vote<sup>14</sup>, so the communications campaign will take this group's needs into account. In addition, the Electoral Commission will be required to produce guidance to support implementation of the new process.
37. Under our proposals privacy screens will be required in polling stations. The availability of privacy screens will support those voters who wear face coverings for religious or other reasons and may wish to remove their covering and have their identification checked in private. Polling station staff will be given appropriate training to support voters from certain groups with protected characteristics, including those who have undergone gender reassignment.
38. We will continue to work with civil society groups throughout the delivery of voter identification to ensure this. If any additional concerns or potential adversities come to light in the rollout of the new system, we will ensure those impacts are identified and mitigated as far as possible.
39. Overall it is expected that the vast majority of eligible electors seeking to vote will be able to do so, as was the case in the 2018 and 2019 voter identification pilots.

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<sup>14</sup> 7% of those aged 50-69 and 6% of those aged 70+ said they believed having to present photo ID at the polling station would make it difficult for them to vote, compared to 5% overall.

## *Overseas electors*

40. The equalities impact of the overseas electors changes have been considered for all protected characteristics, with age and disability being identified as protected characteristics on which the policy changes may have an indirect, adverse impact.
41. Increasing the franchise and extending the registration period to enable overseas electors to remain on the register for three years, aims to have a positive impact for all groups by making it easier for expats to participate in Parliamentary elections and improve their current experience.
42. Many of the impacts covered in this equality analysis focus on the possibility that the new application user journey places additional barriers on applicants within the protected groups of disability and age. For example, documentation required to verify either identity or address, or the means by which it is uploaded, may be more difficult to access for applicants from these groups.
43. To give effect to the franchise change, some applicants - those who were last registered more than 15 years ago, or who have never been registered - will have their connection to a UK address verified by certain forms of documentary evidence. This could indirectly impact voters on the basis of age, for example, an applicant who left the UK as a child may not have proof of residence in their own name. Further, an applicant with a disability may struggle to produce or interpret certain types of documentary evidence they are required to provide, if the right accessibility considerations are not made.
44. The Cabinet Office will work closely with local authorities, Electoral Registration Officers (EROs) and their representative organisations and expat representative groups to develop a list of acceptable documentary evidence that is accessible and meets security needs. It will be non-exhaustive, giving EROs discretion to accept other evidence. Officers will also have discretion to check local records (e.g. council tax records) to verify an applicant's former address. For those where documentary evidence may not be available, there will be an additional path through which an applicant can verify their residence, with a 'residence attestation' as a final option.
45. Our intention is to facilitate an efficient and accessible registration process whilst maintaining a sufficient degree of connection to an address and with this, the integrity of the electoral registration. The Government considers the way the policy is designed to be both justified and proportionate in striking this balance.
46. Key service design capabilities and any adaptations will be developed once the primary legislation has been passed and they will be based upon the accessibility design standards set by the Government Digital Service (WCAG.AA accessibility Standards<sup>15</sup>) and associated user testing. Elements of the policy highlighted as key mitigations

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<sup>15</sup> [Web Accessibility Initiative](#), 2020

include measures that reduce the administrative burden for both electors and electoral administrators (who will have additional time to assist those electors who need it most) and removing barriers to registration for electors.

### *Postal and proxy voting measures*

47. It is not considered that the proposals will have any significant impact on individuals with protected characteristics. The policy will continue to offer all electors, particularly those who find voting in person difficult, flexibility and accessibility in casting their vote. These measures will increase the security and secrecy of the poll and may open up options to groups who may have previously lacked trust or confidence in these methods.
48. There is some evidence that older people and people with a disability are more likely to have a postal vote, and younger people are more likely to have a proxy vote.<sup>16</sup> Transitional provisions for existing long-term postal and proxy voters will enable existing long-term postal and proxy voters to have advance notice of the changes and to enable them to prepare for the new requirements. This will therefore support them in engaging with a small amount of administrative change if they wish to continue voting by post or proxy.
49. The Electoral Commission and local authorities will publicise the changes and new requirements, and outline where support can be accessed to deal with the required administrative change. To make sure that this information is suitable for people with protected characteristics or special needs, the Government will work with representative organisations. If any adverse impacts come to light in the detailed rollout of the new system, those impacts will be mitigated as far as possible.
50. If a political campaigner<sup>17</sup> is also someone's designated carer, or has family members who vote by post, the campaigner is permitted to handle those people's postal votes. This ensures legitimate assistance can be provided to postal voters without restriction; it should offset potential adverse impacts on postal voters. Anyone who is not a political campaigner will be able to hand in postal votes for a specified number of people, as the ban on handling postal votes (as it relates to campaigners) will not apply to them.

### *Accessibility*

51. The intention of the above changes, particularly the first, is to engender a change in attitude toward support provided for disabled people to vote. Our experience from the Call for Evidence on Access to Elections and the Accessibility Working Group shows that whereas some local authorities make considerable effort to address the needs of disabled voters, others provide only the device to support voters with sight loss

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<sup>16</sup> The Electoral Commission (2019) Report overview: 2019 UK Parliamentary general election, <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/uk-general-elections/report-overview-2019-uk-parliamentary-general-election>; The Electoral Commission (2020) Winter Tracker 2020 UK Data Tables

<sup>17</sup> The Bill will set out the exceptions to the offence and it is expected that the Electoral Commission will issue guidance on the issue.

required in legislation and do not consider further support. The intention of these measures is to move to a system where all local authorities consider the additional needs of disabled voters, supported by guidance from the Electoral Commission and the Government.

52. The protected characteristics that we consider these policies to have an impact on are age and disability. As the Bill's accessibility measures are intended to improve the accessibility of elections, we consider that they will have a positive impact on both these groups.
53. The measure requiring Returning Officers to consider the needs of people with a wider range of disabilities in polling stations will result in additional support being provided and will improve the voting process for people with this protected characteristic.
54. Similarly, the measure removing restrictions on who can act as a companion will increase the range of people who are able to assist voters affected by this measure on the basis of their age or a disability.

### *Campaigning measures*

55. There is no evidence to suggest that the measures relating to digital imprints, notional expenditure, the campaign finance framework, or the Electoral Commission's governance and accountability will have a direct or indirect adverse impact on groups with protected characteristics.
56. The measure to clarify undue influence will apply protection to all electors equally. There is some evidence to suggest that the measures have the potential to have an adverse impact on members of certain religious groups if the 'undue spiritual pressure' element of the offence is applied incorrectly. Religious groups regularly express their views on political subjects, particularly if they perceive a policy as being contrary to their religious principles. As long as these religious views are not intended to exert improper pressure on people in relation to an electoral event, it would not be appropriate for them to be considered 'undue spiritual pressure' under the corrupt practice of undue influence.
57. The Bill's drafting, alongside the supporting Bill documents, makes it explicitly clear that freedom of speech and freedom of worship are distinct from undue influence. This measure is designed to protect people against undue spiritual pressure so that they can enjoy the right to participate in free and fair elections; it should not prevent the genuine enjoyment of the freedoms of religion or expression.
58. *Intimidation in public life*, a 2017 review by the Committee on Standards in Public Life, concluded that "intimidation is disproportionately likely to be directed towards women, those from ethnic and religious minorities, and LGBT candidates." Findings from other

sources<sup>18</sup> on the impacts of intimidation were consistent with the findings of the CSPL, but also suggested that a reduction in intimidation could lead to improved political representation and political debate. By offering additional protection against intimidation and abuse, both online and in person, the new electoral sanction is expected to especially benefit women, individuals from ethnic minorities, individuals from religious minorities, and LGBT+ individuals. The new electoral sanction is intended to encourage these groups to participate in elections and contribute to public life, thereby advancing equality of opportunity.

## *Voting and Candidacy Rights of EU Citizens*

### *Impact on EU citizens resident in the UK on or before 31 December 2020*

59. The Bill ensures that all EU citizens resident in the UK before the end of the Implementation Period - 31 December 2020 - will retain their existing voting and candidacy rights, in England and Northern Ireland, provided they retain lawful immigration status.
60. Some in this group will be subject to the registration review process that will be undertaken as part of implementation. Going forward, there is potential for the application process for this group to increase in complexity on account of the nature of the specific eligibility requirement that confers voting and candidacy rights on this group (e.g. an applicant must confirm that they meet the eligibility requirements, including that they were resident in the UK at 31 December 2020, and an ERO may require them to produce evidence to that effect).
61. As such, there is potential for this change to have an indirect adverse impact on some people with certain disabilities who may find it more challenging to understand/navigate the eligibility requirements. They may also struggle to produce or interpret certain types of documentary evidence they may be required to provide. Similarly, this new process could have an indirect adverse impact on EU citizens who may not have English as their first language.
62. The detail of any new processes will be developed in secondary legislation. As with any service change across the Bill, we will work closely with local authorities, Electoral Registration Officers (EROs) and their representative organisations to develop a list of acceptable documentary or digital evidence that is accessible and meets security needs. Moreover, careful consideration will be given to communication and service design. To make sure that this information is suitable for people with protected characteristics, the Government will work with representative organisations and seek their feedback. If any adverse impacts come to light in the detailed rollout of the new system, those impacts will be mitigated as far as possible. The Electoral Commission, Electoral Registration Officers and local authorities will publicise the changes and new

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<sup>18</sup> Listed in section 4

requirements, and outline where support can be accessed to deal with the required administrative change.

### *Impact on EU citizens migrating to the UK after the end of Implementation Period*

63. For those EU citizens who arrived in the UK after 31 December 2020, the measures will remove, withhold, or grant voting and candidacy rights to or from individuals on the basis of their citizenship. This is in line with our wider approach to franchise and candidacy policy. Voting rights are a matter for sovereign states to determine. In the UK, as in many modern democracies, voting and candidacy rights are granted or withheld on the basis of citizenship. Immigration status is a requirement, but is a secondary one: the right to reside in the UK does not automatically confer the right to participate in the democratic process, although it is an eligibility requirement in order to be able to exercise those rights.

64. The protected characteristic of 'race' refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. Since the policy changes will apply to a group of individuals on the basis of their citizenship or nationality there could also be consequential indirect impacts, should any other protected characteristic have a high degree of representation within this group, though it is not anticipated this would be an adverse impact. It is not possible to establish the demographic makeup of this group of citizens, as the majority are yet to have migrated to the UK. The closest comparable demographic data is on all EU citizens currently living in the UK which shows EU citizens are more likely to be younger<sup>19</sup> and more likely to identify as being from an 'Other White' ethnicity<sup>20</sup> than other UK residents. Evidence showed there are smaller differences by sex, disability and religion<sup>21</sup> but we were unable to identify data for gender reassignment, marriage, and maternity.

65. Nevertheless, we have considered the potential impact on those EU citizens who arrived in the UK after the 31st December. It is possible that the changes in candidacy rights may have particular impacts in, for example, communities comprising a high proportion of EU citizens who may no longer have the opportunity to be represented on their local council or parish council. As the number of individuals with retained rights diminishes as a proportion of EU citizens in the country over time this may gradually increase. However, we believe that the approach of retaining candidacy rights for all EU citizens who were resident in the UK before the end of the Implementation Period, will serve to mitigate against any sudden 'cliff-edge' impacts. Citizenship restrictions on voting apply elsewhere and this will eventually put EU citizens in a category common to many other non Commonwealth or EU communities.

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<sup>19</sup> Residents with EU citizenship are more likely to be younger than the overall resident population in the UK (an estimated 24% were aged 15-29 and 44% were aged 30-49 in 2017-18, compared to an estimated 19% and 26% respectively for the UK as a whole in 2017-18). Source: Annual Population Survey estimates 2017-18, ([EU citizens](#); [UK population](#)).

<sup>20</sup> Based on 2011 census data, people with an EU passport (excluding the UK and Ireland) and living in England and Wales are more likely to identify as being from an 'Other White' ethnicity than other residents of England and Wales (based on 2011 census data, 83% of residents with an EU passport identified as 'Other White' in 2011, compared to 2% of other residents). Source: ONS, [2011 Census](#)

<sup>21</sup> APS estimates for mid-2018 find an estimated 47% of [EU citizens](#) aged 15+ residing in the UK were male, and 53% were female, compared to an estimated 40% male and 60% female for all [UK residents](#) aged 15+. [Census data for 2011](#) finds 14% of residents in England and Wales born in the EU had a disability, compared with 18% of all other residents. [Census data](#) also suggests residents born in the EU and living in England and Wales are more likely to be Christian (70% compared with 59% of all other residents).

### *Wider indirect impacts*

66. Across all of the measures in the Bill we have considered the extent to which this could impact a specific group in regard to their ability to participate in the relevant process. Taking a broader perspective, we have also considered the potential for all of the measures to, in part, impact the ability of voters to apply or remain on the electoral register. Applying to or remaining on the electoral register may have an indirect impact on a person's ability to access some of the services that utilise the electoral register. The main area we have considered is the impact on the ability to access credit. Credit reference agencies record information contained on electoral registers on individuals' credit files, which helps lenders and other service providers to confirm the name and address of an individual. Without this information, it may take more time to confirm an individual's identity. However, lenders look at the entirety of information on a person's credit file, as well as other factors, to decide whether to lend to someone. Whilst this change may impact the ability of a lender/credit referencing agency to verify an individual's identity/address etc. quickly (as required by money laundering regulations) and therefore slow access to some financial products, lenders and other providers of financial services can ask for other forms of identity and proof of address.

## **4. Data and evidence used**

### Current data

#### *Voter Identification*

67. **Photographic identification ownership survey**: Cabinet Office commissioned a nationally representative telephone survey in 2021 of residents eligible to vote in Great Britain, with a sample size of 8,500 people. This included 1,000 "boost" interviews to reach more ethnic minority respondents, to ensure that the sample size for ethnic minority groups was sufficiently large for analysis. This survey provides data on the overall percentage of the population of Great Britain who are eligible to vote in general or local elections that do not hold the forms of photographic identification currently under consideration for this policy (expired or in-date)<sup>22</sup>, and explores the difference in identification ownership between different groups (including protected characteristics).<sup>23</sup> This will further inform planning for the successful implementation of voter identification nationwide, and ensure that voter identification works for all voters.

68. **Stakeholder engagement**: Cabinet Office continues to work with stakeholders including organisations whose work relates partly or wholly to elections or electoral administration (electoral administration bodies<sup>24</sup>).

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<sup>22</sup> This includes in date and expired forms of the following ID types: passport, driving licence, travel passes and other forms of photographic ID such as a biometric immigration document issued in the UK.

<sup>23</sup> Our analysis reports on sub-groups where they are significantly different from the overall sample, at the 95% confidence level

<sup>24</sup> These include: the Electoral Commission, the Association of Electoral Administrators (AEA), Electoral Management Board for Scotland, the Scottish Assessors Association (SAA) and Society of Local authority Chief Executives (SOLACE), as well as electoral administrators in local authorities.

69. **Civil society organisations:** Cabinet Office has met organisations to discuss evidenced impact on groups with protected characteristics.
70. **Voter identification pilots at local elections:** Cabinet Office and the independent Electoral Commission analysed the 2018 and 2019 voter identification pilots.<sup>25</sup> The number of local authorities involved in the pilots resulted in indicative rather than nationally representative data. In 2020, Cabinet Office discussed the impact of the pilots with pilot authorities to inform national roll-out.
71. **Voter Identification and Voter Card Working Group:** This includes councils that did not pilot voter identification but whose contributions to the Group give an additional perspective due to the councils' differing size, demographics and political control.
72. **Literature review of implementation of voter identification in Northern Ireland:** The review by Cabinet Office social researchers drew on public opinion and administrative data and reporting by the Electoral Commission and Northern Ireland Chief Electoral Officer.
73. **Electoral Commission Winter Tracker and post-election survey 2019:** This nationally representative time series data and post 2019 election survey includes material relating to voter identification.
74. **Data from the 2011 census, and the National Travel Survey:** The census and survey provide the best available data on ownership of two possible forms of identification valid for voter identification purposes: passports and driving licences. This does not reflect ownership of additional forms of identification to be accepted under the policy, in particular travel passes which were the third most popular form of identification used to vote in Northern Ireland in the first two election years of the voter identification policy.<sup>26</sup>
75. **Government Equalities Office and Stonewall/YouGov research:** Two sources were used to assess impacts on the LGBT+ population: a Government Equalities Office self-selecting [national LGBT survey](#) and a [YouGov/Stonewall](#) regionally and age-weighted online survey of 5,400 LGBT people (both 2017).

## Overseas electors

76. **Data on the franchise change and overseas electors demographics:** As the size of the overseas franchise is not actively monitored, Cabinet Office have modelled<sup>27</sup> the likely franchise increase due to the policy. With limited demographics data for the new franchise, it is difficult to assess numbers within each protected group, and the likelihood of over- or under-representation of protected group members. This

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<sup>25</sup> Cabinet Office, [2018](#), [2019](#). Electoral Commission, [2018](#), [2019](#).

<sup>26</sup> [Electoral Commission, 2007](#)

<sup>27</sup> Further details of this analysis can be found in the Elections Bill Regulatory Impact Assessment.



assessment will therefore focus on the impacts to protected groups due to the policy changes.

77. **Stakeholder engagement:** The policy framework for the previous Overseas Electors Bill (2017-2019) was subject to a full public consultation and has formed the basis for this refreshed policy. Since then, we have been engaging extensively with electoral community organisations<sup>28</sup> and electoral administrators to ensure the policy would work in practice for both newly-enfranchised overseas electors and the local authorities running elections.
78. **Policy Development Workshop with the Behavioural Insights Team:** In the Workshop, civil servants and academics assessed the potential impacts and outcomes of the policy.
79. **User research on voter experience and service design:** Cabinet Office commissioned a “Discovery Report” that investigated the key behaviours, how an individual’s context (or background) may influence their behaviours and the challenges electors may face within the GOV.UK Register to Vote service (and equivalent paper registration applications). The report was based on findings from eleven 60-minute in-depth interviews with a small but diverse group of long-term migrants. Findings highlighted improvements that could be made to the online Register to Vote service ‘as is’ and further considerations that should be made as a result of the policy proposals. A number of these findings and suggested improvements have been considered as evidence in this equality assessment.
80. **Evidence of impact to protected groups:** Information gathered from publicly-available sources including Age UK, the House of Commons Library and the Disabilities, Opportunities, Internetworking, and Technology Center suggest the greatest impacts are likely to be experienced on the basis of age and disability.

### *Postal and proxy voting measures*

81. **[Securing the ballot \(2016\)](#).** The report of the then Sir Eric Pickles into electoral fraud. The Government response agreed with all but two of the report’s recommendations.
82. **[Electoral Law: The Urgent Need for Review](#)** (Public Administration and Constitutional Affairs Committee, 2019). The report supported the Government’s planned postal voting reforms outlined in the Queen’s Speech 2019.
83. **[Electoral Integrity pilots \(2018\)](#).** Pilots involving postal and proxy voting were conducted in three local authorities at the 2018 local elections and evaluated by the Cabinet Office as well as by [the Electoral Commission](#).

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<sup>28</sup> These include: the Association of Electoral Administrators (AEA), Electoral Management Board for Scotland, Electoral Commission (EC), the Scottish Assessors Association (SAA) and Society of Local authority Chief Executives (SOLACE)

84. **Stakeholder engagement:** Cabinet Office continues to consider the impact of absent voting measures on voters in ongoing engagement with electoral administration bodies.
85. **The Electoral Commission Winter Tracker and post-election survey 2019** gathered relevant information on absent voting procedures.

### Accessibility measures

86. [Call for Evidence on Access to Elections \(2017\)](#). After receiving over 250 responses, the Government's response included three actions that informed the Bill's accessibility measures that sought to improve voting arrangements for people with sight loss, manual dexterity issues and who vote with the support of companions.
87. **Stakeholder Engagement:** The Government continues to engage with disability and the elections sectors stakeholders through the Cabinet Office Accessibility of Elections Working Group.

### Campaigning measures

88. **Literature review:** A literature review was conducted focussing on the intimidation faced by candidates, campaigners and elected officeholders (including MPs). The principal source was *Intimidation in public life*, a 2017 review by the Committee on Standards in Public Life (CSPL)<sup>29</sup> based on a review of 88 written submissions and 34 meetings with, amongst others, representatives from at least five political parties (candidates, MPs, local councillors), social media companies, regulatory bodies and the police. Other sources included research by King's College London (Global Institute for Women's Leadership), University College London's Constitution Unit<sup>30</sup>, Amnesty International and a survey of 147 MPs commissioned by the UK Parliament's Women and Equalities Committee.<sup>31</sup> Their findings on the impacts of intimidation were consistent with the findings of the CSPL, but also suggested that a reduction in intimidation could lead to improved political representation and political debate.
89. Work to clarify undue influence was informed by Commissioner Mawrey's judgment in [Erlam & Ors vs Rahman & Anor](#), in which he highlighted the complexity and issues around the current legislation. The Law Commission and Scottish Law Commission's [joint final report on electoral law](#) also supports updating the current legislation, including identifying intimidation and deception as important overarching categories of undue influence.
90. **Stakeholder engagement:** The Government continues to work closely with stakeholders, including the Electoral Commission, UK Parliamentary Parties Panel and

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<sup>29</sup> CSPL: [Intimidation in Public Life](#)

<sup>30</sup> <https://constitution-unit.com/2020/11/06/the-2019-election-campaign-shows-that-abuse-harassment-and-intimidation-of-candidates-is-getting-worse-especially-for-women/>

<sup>31</sup> UK Parliament's Women & Equalities Committee, [Creating a gender-sensitive Parliament](#)

the police, to consider the impact of the Bill's campaigning measures on all affected groups. This includes the public consultation *Protecting the debate: intimidation, influence and information* (2018)<sup>32</sup>, which focused on both the new electoral sanction against intimidation and the clarification of undue influence. During the consultation's three-month period, the Government received 41 formal responses and numerous pieces of correspondence on both these measures. A large majority of respondents endorsed the principle of "applying electoral sanctions to existing offences of intimidatory behaviour." This included the Centenary Action Group which works to increase women's representation and participation in politics. On undue influence, 100% of respondents agreed that the current legislation should be clarified in order to improve its usability.

## *Voting and Candidacy Rights of EU Citizens*

91. **Data on the franchise and its demographic:** The size of the EU franchise is not actively monitored; therefore the Cabinet Office has drawn on ONS migration data to provide an assessment on the scale of the potential impact on EU citizens. In our Regulatory Impact Assessment, we estimate there are approximately 3 million EU citizens living in England, Northern Ireland and Wales who would continue to retain their voting and candidacy rights. Over time the proportion of EU citizens who had been resident in the UK before the end of the Implementation Period - 31 December 2020 - will reduce, therefore without further bilateral agreements the number of EU citizens with voting and candidacy rights will also reduce. There is no available demographic data for those individuals who may have chosen to register to vote amongst EU citizens migrating to the UK and therefore our analysis has been largely informed by data covering all EU citizens in the UK or individuals born in EU countries and living in the UK.

## Planned data

### *Voter Identification*

92. **Qualitative research:** Cabinet Office may carry out further qualitative research to supplement the findings from the photographic identification ownership survey and to gather more evidence of the potential impact on those harder to reach via the survey.

93. **Voter Card modelling:** Cabinet Office plans to use the results from the survey to estimate the possible range of need for the Voter Card at a local level. This could provide local authorities with more granular information to inform their implementation planning and/or local communications.

94. **Civil society organisations:** Cabinet Office will continue to meet with third-sector organisations to develop relationships, as focus shifts from policy development to

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<sup>32</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/799873/Protecting-the-Debate-Government-Response-2019.05.01.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799873/Protecting-the-Debate-Government-Response-2019.05.01.pdf)

implementation. It also plans to carry out focus groups with these organisations to gather further evidence of the potential impact on people with particular protected characteristics and to understand their perspectives.

95. **Local Authority Pilots:** Cabinet Office plans to engage with pilot authorities for the purposes of implementation planning, through further qualitative research with pilot authorities, and to form a working group.

96. **Local Authorities:** Cabinet Office will engage with local authorities through the Voter Identification Working Group, focusing on secondary legislation and implementation planning. Wider issues will be tackled through branch meetings of local government electoral administrators.

97. **Local Authorities: Focus groups with authorities across Great Britain:** The Cabinet Office plans to carry out focus groups with local authorities from across Great Britain, to include authorities in Wales and Scotland in implementation planning and to inform secondary legislation.

### *Overseas electors*

98. Cabinet Office will engage with electoral community organisations and electoral administrators to inform decisions for secondary legislation and subsequent service design. Of particular importance for equality consideration will be the new concept of address verification, where engagement with disability organisations will help inform the choice of acceptable documentary evidence that electors can use to prove previous residence.

### *Postal and proxy voting measures*

99. Further engagement is planned with stakeholders including electoral administration organisations to consider the impact of the absent voting measures.

### *Accessibility measures*

100. The statutory requirement for Returning Officers to consider support for people with a wider range of disabilities will be informed by Electoral Commission guidance. The Accessibility of Elections Working Group will support opportunities for further research and analysis that can inform the guidance as it is developed.

### *Campaigning measures*

101. Further engagement is planned with stakeholders to consider the impact of all the campaigning measures. Additionally, as outlined in the Regulatory Impact Assessment, monitoring and evaluation for the campaigning measures will be conducted.

### *Voting and Candidacy Rights of EU Citizens*

102. We plan further engagement to consider the impact of these measures. In particular, we will engage with the electoral sector to inform decisions for secondary legislation and subsequent service design. Specifically, we will seek to ensure that

the requirements of the future registration framework (in respect of how eligibility should be determined, for example) will not place onerous burdens on any particular group. On this point we note that existing voting and candidacy agreements with Spain, Portugal, Luxembourg and Poland commit the UK Government to granting the right to vote and stand as candidates in local elections in the United Kingdom 'subject to the same conditions' or 'on the same grounds' as British citizens. Throughout the service design process, we will work with stakeholders and community representatives to ensure that processes are accessible to all.

## **5. Conclusion**

103. The impacts of measures in the Elections Bill on people with protected characteristics under the Equality Act are set out above.
104. The assessment did not identify any direct adverse impacts of the measures in the Elections Bill on people with protected characteristics. A number of potential indirect adverse impacts were identified, which were mainly related to changes to the administration of various electoral processes. The Government believes that the mitigations identified here strike the right balance between achieving the Bill's aims related to maintaining and strengthening the architecture of our electoral processes on the one hand, and ensuring that reasonable adjustments are in place to ensure any potential adverse impacts are removed or minimised as much as possible.
105. A number of positive impacts were identified, which mainly related to ensuring that voting processes are more accessible for people with disabilities, and providing additional protection against intimidation and abuse for those standing for elected office and contributing to public life (which is expected to benefit women, those from ethnic and religious minorities, and LGBT+ people).
106. The policies set out within the Bill are sensible protections against fraud and malicious actors within the electoral process. By preserving confidence in the mechanisms underpinning our elections are secure the electorate can feel confident that their voice will count. This brings a benefit to all voters, as greater participation increases representation and enriches the democratic debate.

## **6. Arrangements for review**

107. The Elections Bill is one part of the Electoral Integrity Programme, which is part of the Government Major Projects Portfolio. As a result, when the Bill receives Royal Assent, work will continue: secondary legislation will be passed to provide for the detailed elements of each of the Elections Bill's provisions; and work to implement all provisions on the ground will continue, which may include drafting guidance, designing new services and processes, supporting local authorities and raising awareness with voters about changes that may affect them.

108. Throughout all these stages, the Government will seek to identify any new impacts on people with protected characteristics, including by monitoring and assessing the progress of each policy's implementation, and by engaging with stakeholders in the electoral community and representative groups of those with protected characteristics. Through this, the Government will aim to continue capitalising on positive impacts and mitigating negative one as part of fulfilling its public sector equality duty under the Equality Act.

## **7. Declaration**

*I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.*